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Notice of Allowability	Application No.	Applicant(s)	
	10/026,147	SILVESTRE, ALAIN	
	Examiner	Art Unit	
	Brian Nash	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- 1. ☒ This communication is responsive to phone conversation 3-14-05.
- 2. ☒ The allowed claim(s) is/are 1,3-6,8-16 and 18-24.
- 3. ☐ The drawings filed on _____ are accepted by the Examiner.
- 4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 - 1. ☒ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- 5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 - 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- 7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Examiner's Comments

1. This action is in response to applicant's amendment received 1/24/2005 and a subsequent phone conversation with applicant's attorney on Monday 3/14/2005. The following changes were authorized by attorney Bill Gehris at 212-736-1940.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because numeral (2) has been informally added to the figures and Figure 2 has what appears to be a handwritten note. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

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In claim 1, the final period “.” has been replaced with --; wherein the evaluation device determines the position of the fold by comparing the time lag measured for each marking and ascertains the position of the fold as a function of the measured time lag multiplied by a speed of the printed product.--;

Claim 6 has been replaced with --The device as recited in claim 1 wherein the sensors include two sensors assigned to the first marking and a second marking of the markings.--;

Claim 7 has been cancelled;

In claim 11, line 1, “7” has been replaced with --1--;

In claim 19, just as in claim 1, the final period “.” has been replaced with --; wherein the evaluation device determines the position of the fold by comparing the time lag measured for each marking and ascertains the position of the fold as a function of the measured time lag multiplied by a speed of the printed product.--.

Reasons For Allowance

4. The following is an examiner’s statement of reasons for allowance: The prior art of record fails to anticipate or obviate in combination a device for analyzing the positional fold accuracy of a fold of conveyed printed products as now claimed.

Regarding claims 1 and 19, the prior art does not show such a device comprising an evaluation device connected to a sensor wherein the evaluation device determines the position of the fold by comparing the time lag measured for each marking and ascertains the position of the fold as a function of the measured time lag multiplied by a speed of the printed product.

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Regarding new claim 20, the prior art does not show a printed product conveyor comprising a first and a second folded printed product having a first and a second marking respectively, conveyed in a shingled manner so a fold of the second folded printed product covers the first marking to define an uncovered portion of the first marking and a sensor sensing a front edge of the uncovered portion and an evaluation device receiving an input from the sensor. All pending claims are now novel over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

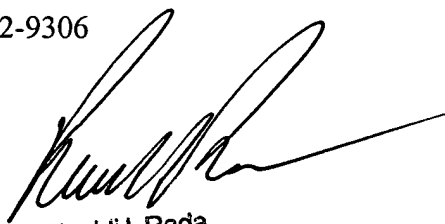
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Nash whose telephone number is 571-272-4465. The examiner can normally be reached on Monday – Thursday from 8 a.m. to 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached at 571-272-4467.

The official fax number for this Group is: 703-872-9306

Brian Nash
14 March 2005



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700